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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JON FLEMING, individually,

11 Plaintiff,

12 v.

13 STATE OF WASHINGTON DEPARTMENT
14 OF CORRECTIONS, SGT. JOHN DOE
15 TACKETT; CORRECTIONS OFFICER JOSE
16 PORRES; CORRECTIONS OFFICER JOHN
DOE VAN OGLE; LT. JOHN DOE
HAYWARD; C. MAY; DOUGLAS
WADDINGTON; and JOHN DOES 1 – 10,

17 Defendants.

Case No. C07-5246FDB

ORDER DENYING MOTION FOR
ORDER TO WITHDRAW AS
PLAINTIFF'S COUNSEL OF
RECORD

18 Plaintiff, a prisoner at the Monroe Correctional Center, through counsel filed a civil rights
19 complaint alleging improper use of an electronic immobilization device, known as a “stun belt” when
20 he was being prepared for transportation to Western State Hospital for evaluation.

21 Plaintiff's counsel, Mark Leemon, moved to withdraw, stating that he has discussed his
22 reasons for bringing the motion with Plaintiff, whom he says has expressed full understanding.
23 Counsel also states that discovery cut-off was July 21, 2008, and that depositions of all fact
24 witnesses who are employees of the defendant have been completed, and that counsel will provide
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1 transcripts of these depositions to plaintiff without cost, should he wish to continue with this matter.


2 The trial date is November 17, 2008.

3 The Court ordered Plaintiff Jon Fleming to advise the Court whether he will seek new
4 counsel or proceed on his own, pro se. Plaintiff filed an objection to his counsel's motion to
5 withdraw. Mark Leemon, Plaintiff's counsel then moved for a continuance of the Court's
6 consideration of his motion to withdraw so that he could speak with his client, and the Court granted
7 the motion. Mr. Leemon provides more details about his desire to withdraw in his affidavit, filed
8 July 30, 2008, but indicates that because Plaintiff has been placed in the intensive management unit,
9 he has not been able to arrange a visit.

10 Having considered the motion to withdraw together with Mark Leemon's affidavit [Dkt. #
11 28] further explaining his reasons for seeking withdrawal, the Court declines to allow withdrawal.

12 NOW, THEREFORE, IT IS ORDERED: Plaintiff's Counsel's Motion for Order To
13 Withdraw as Plaintiff's Counsel of Record [Dkt. # 21] is DENIED.

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15 DATED this 11th day of August 2008.

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18 FRANKLIN D. BURGESS
19 UNITED STATES DISTRICT JUDGE
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